



S-265 A

ORDINANCE NO. 2389

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT - INTERIM USE BEGINNING ON MAY 19, 1998 AND EXPIRING ON DECEMBER 31, 1998 TO ALLOW THE OPERATION OF A FARMERS MARKET WITHIN A PLANNED DEVELOPMENT NUMBER 70 ZONING DISTRICT (PD-70) AT 12731 DENTON DRIVE; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Council finds and determines, on the basis of facts presented on the application for a Specific Use Permit - Interim Use and at the public hearings, the following:

1. That the proposed use is consistent with the existing uses of adjacent and nearby property;
2. That the proposed use is not consistent with: (a) the reasonable foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; and (b) the use of the property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit.
3. That the proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit-Interim Use is in effect;
4. That the proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan; and
5. That any investment contemplated to be made by the applicant in the property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration of the permit.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to the granting of specific use permits-interim use under the zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning use should be made, subject to the conditions set out herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, be and the same is hereby amended by amending the zoning map of the City of Farmers Branch so as to grant a specific use permit - interim use beginning on May 18, 1998 and expiring on December 31, 1998 to allow the operation of a farmers market within a Planned Development Number Seventy (PD-70) zoning district at 12731 Denton Drive.

SECTION 2. That this specific use permit - interim use shall be operated in compliance with the approved site plan attached as Exhibit "A" and with the conditions as follows:

1. That the farmers market shall operate on Wednesday and Saturday of each week from 7:00 a.m. to 5:00 p.m. or until such hour that all produce is sold.
2. The metal awning frame structure, and the awning and sign, shall be removed from the site when the specific use permit-interim use expires on December 31, 1998.
3. The metal frame awning structure may remain on the site at the location shown on the site plan on the days that the farmers market is not in operation for the period beginning May 18, 1998 through December 31, 1998.

SECTION 3. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

SECTION 4. That all ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same is hereby repealed and all other provisions of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

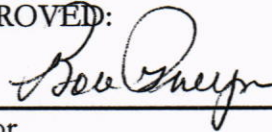
SECTION 5. If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in the sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed upon each day or on which a violation occurs.

SECTION 7. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance and as the law in such case provides.

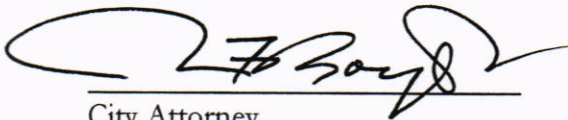
DULY PASSED by the City Council of the City of Farmers Branch, Texas, on this the 18 day of May, 1998.

APPROVED:



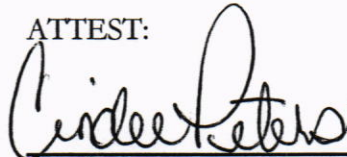
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary